

PATENT COOPERATION TREATY

From the:

INTERNATIONAL SEARCHING AUTHORITY

To:

Chrysiliou Law
15-19 Parraween Street
CREMORNE NSW 2090

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing (day/month/year) **9 JUN 2004**

Applicant's or agent's file reference
13125

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/AU2004/000319

International filing date (day/month/year)
17 March 2004

Priority date (day/month/year)
17 March 2003

International Patent Classification (IPC) or both national classification and IPC
Int. Cl. ⁷ **A47G 29/12, 29/122, 29/124, E05B 41/00, 47/00.**

Applicant
TELEZYGOTOLOGY INC et al

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☒ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the IPEA/AU
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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

10/549485

PCT/AU2004/000319

1005 Rev'd PCT/PTO 15 SEP 2005

Box No. I Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. IV Lack of unity of invention

1. ☐ In response to the invitation (Form PCT/ISA/206) to pay additional fees the applicant has:
- ☐ paid additional fees
 - ☐ paid additional fees under protest
 - ☐ not paid additional fees
2. ☒ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is
- ☐ complied with
 - ☒ not complied with for the following reasons:

Claims 1, 3 and 4 all relate to a closure for a compartment which can send information of either the status of the closure or of its contents. Whereas claim 3 is directed to a closure for a compartment in a bank of compartments

4. Consequently, this opinion has been established in respect of the following parts of the international application:
- ☒ all parts
 - ☐ the parts relating to claims Nos.

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PCT/AU2004/000319

Box No. V **Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims 13 to 46.	YES
	Claims 1 to 12.	NO
Inventive step (IS)	Claims 13 to 16 and 18 to 20.	YES
	Claims 1 to 12 and 17 and 21 to 44.	NO
Industrial applicability (IA)	Claims 1 to 46.	YES
	Claims	NO

Citations and explanations:

Novelty (N) Claims 1 to 12.

The following citations disclose the features defined in the claims identified alongside, further the explicit teaching of each citation is to employ the apparatus as instantly claimed.

JP 11018916 A, JP 2002034772 A, CA 2098973 A, Claims 1 to 12.

JP 2002017554 A, JP 10257960 A, JP 08011984 A, Claims 1,2,4.

JP 08093287 A Claims 1,2,3,4.

JP 09317278 A, EP 389313 B, Claim 3

WO 1997/41542 A, FR 2687298 A, FR 2563987 A Claims 1,2,4 to 12.

Inventive Step (IS) Claims 1 to 12 and 17 and 21 to 44.

Claims 1 to 12 as above.

Claims 17, 21 to 44.

The minor features added by these claims are considered not to involve an inventive step.

Industrial Applicability (IA) Claims 1 to 46.

All claims are considered to be industrially applicable.

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Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Claim 14 is not clear with regard to the term "sputter form".